

Texas Lawyer

Few Big Texas Companies Track In-Housers' Pro Bono

Corporate Lawyers Can Find "Comfort Zone" Doing Transactional Work

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Reliant Resources Inc. lawyer Genora Boykins chairs a nonprofit community development agency in Houston, so she knows firsthand how much good pro bono helps an agency with no money to spare.

Boykins also has learned, from her own pro bono experience, that in-house lawyers may feel a little uncomfortable handling traditional pro bono legal work such as family-law matters because they are more accustomed to reviewing a lease agreement than working out child-custody issues.

So Boykins, who also serves on the board advising Texas C-Bar, a legal aid group based in Austin that provides pro bono opportunities for in-house lawyers and corporate legal departments, is pleased her employer encourages pro bono.

But Houston-based Reliant Resources is one of just a handful of large corporations in Texas with a formal pro bono program and a system to track the participation of its in-house lawyers' pro bono work. In 2002, seven in-house lawyers at Reliant Resources devoted at least 110 hours to pro bono work. In 2001, nine lawyers put in 219 hours, according to numbers supplied by the company.

The legal department of Plano-based J.C. Penney Co. also keeps track of the hours its lawyers spend on pro bono work. In 2002, eight lawyers at J.C. Penney did at least 285 hours of pro bono work, and 200 hours in 2001, according to statistics provided by the company. But most of the other companies that are among the 25 largest in Texas, according to the most recent Fortune 500 ranking, either don't have a formal pro bono program, or don't keep statistics on pro bono work.

A formal program really isn't necessary, says Mark Mouritsen, a senior corporate counsel at Dell Computer Corp. in Round Rock.

"If you create a culture where it's encouraged and it's not a requirement of the job . . . in the long run you get more people committed to it," says Mouritsen, who also is on the advisory board of Texas C-Bar.

The lack of statistical information doesn't mean legal departments at most large Texas corporations discourage employees from doing pro bono. The opposite is probably true. Some, including Dell and Irving's ExxonMobil Corp., actively encourage it, but just don't monitor it or tally statistics of pro bono hours.

"We feel the better, more successful approach is to support our attorneys in their obligations as professionals, including pro bono involvement," says Theresa Hebert, assistant general counsel, global resources and operations, at ExxonMobil.

"The statistics part of it are less important than the work," says Peggy Montgomery, counsel at ExxonMobil in Houston and a member of the board of the Houston Volunteer Lawyers Program Inc. [HVLP].

But some of the legal departments are small, with heavy workloads, and formal pro bono projects must take a back burner, even if the corporation's culture encourages community service.

That's the case at Continental Airlines Co. in Houston. General counsel Jennifer Vogel says Continental doesn't have a formal pro bono program because of the demands placed upon the relatively small legal department of about 18 lawyers. "We of course encourage community involvement, but do not require it or track it," Vogel says in an e-mail response to a question about pro bono work.

Regardless, Sandra Wikoff, executive director of the HVLP, says in-house lawyers from at least 26 corporations with lawyers in Houston participated in HVLP pro bono projects over the past two years. She says it's difficult to quantify the volunteer hours from in-house lawyers, but she says the HVLP referred about 10,000 civil cases to volunteer lawyers for representation.

Anne Shuttee, a senior litigation counsel at Electronic Data Systems Corp. of Plano who says she puts in at least 50 hours of pro bono legal work a year, says too few in-house lawyers do free legal work. She argues that the country's legal system depends on lawyers providing free legal work for those in need, and while any kind of volunteer work is important, she points out that only lawyers can do pro bono legal work.

"We are the only ones who can do it. It is just vital that essential legal services be provided to people who can't afford them," says Shuttee.

Shuttee says that when she left Dallas' Hughes & Luce to join EDS in 1989, she made it clear that she would do pro bono, and she says the corporation has been supportive of her passion over the years.

Michael Jines, the general counsel at Reliant Resources, says he and others in the legal department over several years have participated in a number of pro bono projects through the HVLP and the Houston Bar Association and now, through other groups such as Texas C-Bar. He encourages it.

"I think it's important that people give back on these sorts of things, and if they don't, it's like CLE [continuing legal education], ultimately over time if people aren't making a concerted effort . . . at some point it will be mandated and that has a horrible feel to it," Jines says.

Pro bono is encouraged as well at CenterPoint Energy, which formed in 2002 when Houston Industries Inc. split its regulated and unregulated business into CenterPoint and Reliant Resources, says Scott Rozzell, the general counsel.

Rozzell says the CenterPoint legal department participates in the Houston Bar Association's Legal Lines, a hotline, in conjunction with one of the corporation's outside firms. Rozzell, outgoing chairman of the Texas Commission for Lawyer Discipline, also encourages the in-house lawyers to take individual cases through the HVLP, and the company provides them with the time and support to do the work, which often involves family-law cases.

"Our participation in that is probably as irregular as you find with most lawyers generally," says Rozzell, adding that "in-house lawyers at CenterPoint put in 132 pro bono hours in the seven months beginning in December 2002. "Our lawyers are very willing and able to do that, workload permitting," he says.

Rozzell says it works well for the department to team up with an outside firm when doing Legal Lines. The partnership not only allows them to split the workload, but firms also likely have more lawyers with the courtroom experience helpful for family-law cases.

That's why an agency such as Texas C-Bar, which can hook up a transactional in-house lawyer with a nonprofit that has lease or contract needs, is beneficial, Jines says.

"That's the beauty of C-Bar, tapping into the skills that in-house departments have. It's a very transactional focus," he says, adding that Reliant Resources' legal department is working with Texas C-Bar to become the general counsel for a nonprofit in Houston.

David Hall, executive director of Texas Rural Legal Aid, based in Weslaco, says most of the in-house lawyers who volunteer through his agency work through Texas C-Bar, although some volunteer at legal clinics in Bexar and Webb counties and in the Rio Grande Valley.

"That's what C-Bar was really designed to do, to get in-house and large-firm lawyers and transactional people involved, working with community-based organizations," he says.

Boykins, who chairs the board of Pyramid Community Development Corp. in Houston, a nonprofit she got involved with through her church, says the Texas C-Bar arrangement linking a corporate legal department with a nonprofit is a good deal for a nonprofit because the legal department acts in the role of a general counsel. At the same time, she notes, the arrangement provides a way for in-house transactional lawyers to do pro bono work within their "comfort zone."

"You don't feel so uncomfortable doing it and giving that kind of advice," says Boykins, a principal attorney at Reliant.

Mouritsen, the Dell Computer lawyer who does work for two nonprofit groups in Austin through Texas C-Bar, agrees.

Mouritsen has done some pro bono work for the Guadalupe Neighborhood Development Corp., but he also is outside general counsel to the Blackland Community Development Corp., and recently helped the nonprofit arrange for a \$324 million financing to fund construction of some low-income housing in Austin.

While Dell doesn't keep track, Mouritsen says most of the 45 Dell lawyers working in Austin do some pro bono work. He says general counsel Thomas Green encourages the lawyers to participate in company-sponsored community service projects.

"It's certainly not a requirement of the job, but it's certainly imbued in the culture of the department," he says.

Eugene McGreal, deputy general counsel and managing attorney at J.C. Penney, says the company's involvement in pro bono work began well before it moved from New York to Texas in 1987. The department has won several awards for its pro bono work over the years, he says, including the State Bar of Texas' W. Frank Newton Award in 1997.

But McGreal, a new member of the Bar's Legal Services to the Poor in Civil Matters Committee, says he hopes to increase the participation of in-house lawyers in pro bono work during his tenure on the committee. He plans to recruit in-house lawyers for pro bono projects by contacting the Texas chapters of the American Corporate Counsel Association, and through the Bar's Corporate Counsel Section.

"We probably will get law firms to also agree to partner, because I think many of them look at it as a good way to be known to the inside lawyers, and hopefully some good work will come from it," McGreal says. "Overall it's something you've just got to start somewhere."

He acknowledges that increasing the participation of in-house lawyers beyond those who would do pro bono under any circumstances may be more difficult in a down economy because the legal departments are staffed leanly. He also notes that some lawyers prefer to do their community volunteer work in a way that doesn't involve their legal skills. But he is hopeful that his efforts can get more in-house lawyers involved.